

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.497 OF 2007

IN

CRIMINAL APPEAL NO.217 OF 2006

Virendra Chandrakant Gaikwad ... Appellant

V/s.

The State of maharashtra ... Respondent

Ms.Jyoti Pawar for Appellant
Dr.F.R. Shaikh, APP, for Respondent

CORAM: D.G. DESHPANDE &
SMT.NISHITA MHATRE, JJ.

DATED: JUNE 20, 2007

P.C.:

. Heard the advocate for the accused No.1 who has filed the bail application and the learned APP. Accused No.2 has already been granted by us. Insofar as the present accused is concerned, one witness PW6 Ratnesh Kumar has stated in his evidence that this accused assaulted the victim by weapon. However, Ratnesh Kumar when took part in the Test Identification Parade, identified this accused as a person giving fist blows. This is a major contradiction. The other witness who took part in the identification parade was someone else not connected with the crime or the offence.

2. The learned APP tried to contend that a scooter having human blood was recovered at the instance of this accused and it was the scooter of this accused.

However, the advocate for the applicant states that the trial Court has disbelieved this evidence.

3. Considering these facts and also the fact that accused No.2 has been granted bail by order dated 10.7.2006, this application is allowed. The substantive sentence of the applicant is suspended pending the Appeal. Fine, if any, to be paid before his release on bail. The applicant be released on bail on P.R. bond of Rs.10,000/- (Rupees Ten thousand only) with one or two sureties in the like amount. The applicant shall attend the concerned police station once a month, in the first week of every month, till the appeal is disposed of.

4. The criminal Application is disposed of in the above terms.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)